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Attorney for plaintiff Gregory Bender

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Gregory Bender,

Plaintiff,

V.

Maxim Integrated Products, Inc.,  
Defendant.

Case No. C09-01152-SI

**STIPULATION AND [PROPOSED] ORDER RESCHEDULING CASE MANAGEMENT CONFERENCE**

Pursuant to Defendant Maxim Integrated Products, Inc.’s, (“Defendant’s”) June 29, 2009, phone conversation with Judge Illston’s calendar clerk, Defendant and Plaintiff Gregory Bender (“Plaintiff”) through their respective counsel, hereby request the Court change the time for the Initial Case Management Conference, currently scheduled for July 1, 2009, until August 21, 2009.

WHEREAS, pursuant to the June 19, 2009 Notice in this action (D.I. 10), the Initial Case Management Conference in this action is scheduled for July 1, 2009.

WHEREAS, plaintiff has indicated that this action is related to 23 other currently pending cases, each of which was brought by Plaintiff alleging patent infringement of the same patent. Plaintiff has further indicated that he intends to make a motion to reassign this action to Judge

1 Alsup, the judge assigned to the first-filed of the 24 potentially related cases, *Gregory Bender v.*  
2 *Exar Corporation*, C. A. No. 09-01140-WHA.

3 WHEREAS, the Initial Case Management Conference in the first-filed potentially related  
4 case, *Gregory v. Exar*, is scheduled for July 16, 2009. This Conference is likely to address  
5 Plaintiff's currently pending motion in that action to relate another of the potentially related  
6 actions, *see D.I. 4 in C.A. No. 09-01140-WHA*, to which both affected defendants have recently  
7 responded, *see D.I. 18 and 19 in C.A. No. 09-01140-WHA*.

8 WHEREAS, the parties believe that, in the interests of efficiency and of avoiding  
9 potentially unnecessary expenses, the Initial Case Management Conference should be continued  
10 until a reasonable period of time following the July 16, 2009, Initial Case Management  
11 Conference in *Bender v. Exar*.

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13 THE PARTIES HEREBY STIPULATE THAT:

14 The Initial Case Management Conference in this action is continued to August 21, 2009.  
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16 Respectfully submitted,

17 Dated: June 30, 2009

Jones Day

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By: /s/ Gregory Lippetz

20 Greg L. Lippetz  
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Counsel for Defendant Maxim Integrated  
Products, Inc.

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In accordance with General Order No. 45, Section X(B), the above signatory attests that  
concence in the filing of this document has been obtained from the signatory below.

1  
2 Dated: June 30, 2009

By: /s/ David Kuhn

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8  
9 Counsel for Plaintiff Gregory Bender

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

10  
11 DATED: \_\_\_\_\_, 2009

12 By: Susan Illston  
13  
14 THE HON. SUSAN ILLSTON  
United States District Court Judge

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The case management conference is continued to 8/28/09 @ 2:30 p.m.